

## 21 C.J.S. Courts § 38

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### Courts

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### II. Jurisdiction of Courts

#### C. Jurisdiction of Subject Matter or Cause of Action

#### 3. Jurisdiction of Res or Property

### § 38. Nature, scope, and effect of quasi in rem jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  17

**Quasi in rem jurisdiction is a form of subject matter jurisdiction based on property located within the state which is applied to satisfaction of the claim against the defendant.**

Quasi in rem jurisdiction is a form of subject matter jurisdiction<sup>1</sup> based on property located within the state's territory,<sup>2</sup> tangible or intangible,<sup>3</sup> through which the court applies the property of defendant to the satisfaction of the claim against the defendant.<sup>4</sup> It is defined as that which affects only the interest of particular persons in specific property<sup>5</sup> as distinguished from jurisdiction in rem which determines the interests in specific property as against the whole world<sup>6</sup> and does not require personal service of process.<sup>7</sup> Constitutionally, however, whether quasi in rem jurisdiction exists in a given case involves an inquiry into the presence or absence of due process mandated minimum contacts under the standards applicable to personal jurisdiction.<sup>8</sup>

State courts do not have quasi in rem jurisdiction over foreign property,<sup>9</sup> but the mere presence of the res alone does not support the existence of jurisdiction.<sup>10</sup> If the presence of property in a state is to be the basis of jurisdiction in that state for a judgment against a nonresident defendant, the property in the state must be the subject of the action or related to the underlying controversy.<sup>11</sup>

Where the action is quasi in rem, the judgment is limited to the property that supports jurisdiction and does not impose a personal liability on the property owner since the property owner is not before the court.<sup>12</sup>

## CUMULATIVE SUPPLEMENT

### Cases:

Trial court's exercise of quasi in rem jurisdiction over attached funds of international fish sellers that were located in China while fish broker pursued litigation against sellers in Massachusetts conformed with due process, where sellers maintained business relationship with fish distributor that was New Hampshire company, attached funds were product of that relationship, subjecting sellers to litigation in New Hampshire regarding limited issues arising from attachment did not impose significant burden, sellers did not claim to have alternative, permanent assets in United States that broker could use to satisfy a judgment, and New Hampshire's interests together with general principles of comity among the states supported allowing broker to satisfy any judgment in Massachusetts. [U.S. Const. Amend. 14. Fortune Laurel, LLC v. High Liner Foods \(USA\), Incorporated, 238 A.3d 1113 \(N.H. 2020\).](#)

## [END OF SUPPLEMENT]

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### Footnotes

- 1 Colo.—[Sanctuary House, Inc. v. Krause, 177 P.3d 1256 \(Colo. 2008\).](#)
- 2 N.Y.—[Hotel 71 Mezz Lender LLC v. Falor, 14 N.Y.3d 303, 900 N.Y.S.2d 698, 926 N.E.2d 1202 \(2010\).](#)  
  
Tex.—[HMS Aviation v. Layale Enterprises, S.A., 149 S.W.3d 182 \(Tex. App. Fort Worth 2004\).](#)  
  
Wis.—[Midland Funding, LLC v. Mizinski, 2014 WI App 82, 355 Wis. 2d 475, 854 N.W.2d 371 \(Ct. App. 2014\), review denied, 2014 WI 122, 855 N.W.2d 697 \(Wis. 2014\).](#)
- 3 N.Y.—[Hotel 71 Mezz Lender LLC v. Falor, 14 N.Y.3d 303, 900 N.Y.S.2d 698, 926 N.E.2d 1202 \(2010\).](#)

- 4 U.S.—Selseth v. Darwit, 536 F. Supp. 2d 883 (N.D. Ill. 2008).
- Tex.—HMS Aviation v. Layale Enterprises, S.A., 149 S.W.3d 182 (Tex. App. Fort Worth 2004).
- 5 U.S.—Hanover Insurance Co. v. Fremont Bank, 68 F. Supp. 3d 1085 (N.D. Cal. 2014) (applying California law); Selseth v. Darwit, 536 F. Supp. 2d 883 (N.D. Ill. 2008).
- Ill.—Smith v. Hammel, 383 Ill. Dec. 459, 14 N.E.3d 742 (App. Ct. 5th Dist. 2014).
- N.H.—Continental Biomass Industries, Inc. v. Environmental Machinery Co., 152 N.H. 325, 876 A.2d 247 (2005).
- 6 § 37.
- 7 Ill.—Smith v. Hammel, 383 Ill. Dec. 459, 14 N.E.3d 742 (App. Ct. 5th Dist. 2014).
- 8 § 39.
- 9 Fla.—Burns v. State, Dept. of Legal Affairs, 147 So. 3d 95 (Fla. 5th DCA 2014).
- 10 U.S.—Rush v. Savchuk, 444 U.S. 320, 100 S. Ct. 571, 62 L. Ed. 2d 516 (1980).
- N.Y.—Alford v. McGaw, 61 A.D.2d 504, 402 N.Y.S.2d 499 (4th Dep't 1978).
- N.C.—Holt v. Holt, 41 N.C. App. 344, 255 S.E.2d 407 (1979).
- 11 N.Y.—Silvestre v. De Loaiza, 12 Misc. 3d 492, 820 N.Y.S.2d 440 (Sup 2006).
- 12 Tex.—HMS Aviation v. Layale Enterprises, S.A., 149 S.W.3d 182 (Tex. App. Fort Worth 2004).